

1966/193



Reprint under section 7 of the Regulations Act 1936 of the Health (Eatinghouse) Regulations 1948 (S.R. 1948/185), as amended by the following amendments:

Amendment No. 1, S.R. 1954/126
Amendment No. 2, S.R. 1960/132
Amendment No. 3, S.R. 1966/72

**THE HEALTH (EATINGHOUSE) REGULATIONS 1948
(REPRINT)**

B. C. FREYBERG, Governor-General
By his Deputy,
H. F. O'LEARY

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of November 1948

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act 1920 so far as regulations 5 to 13 inclusive of the regulations hereinafter set out are concerned, and pursuant to the Food and Drugs Act 1947 so far as the other regulations hereinafter set out are concerned, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

The Health Act 1920 has been repealed and replaced by the Health Act 1956.

REGULATIONS

PART I—PRELIMINARY

1. These regulations may be cited as the Health (Eatinghouse) Regulations 1948.
2. These regulations shall come into force on the 1st day of January 1949.

Definitions

[3. In these regulations, unless the context otherwise requires,—
“Eatinghouse” means—

- (a) Any premises in which food is sold for consumption on or at those premises; and
- (b) For the purposes of Parts III, IV, and V of these regulations, but without limiting paragraph (a) hereof, any licensed premises and any premises in which tea, coffee, or other beverages are sold for consumption on or at those premises:

“Licensed premises” means—

(a) Any premises in respect of which a licence is in force under the Sale of Liquor Act 1962 and in which liquor is sold for consumption on the premises, or, in the case of a ship in respect of which a ship licence is in force under that Act, the part of the ship in which liquor is sold for consumption thereon:

(b) Any premises maintained by a Licensing Trust in which liquor is sold or supplied for consumption on the premises: “Refreshment room” means any licensed premises, any premises in which only tea, coffee, or other beverages are sold for consumption on or at those premises, and any premises in which food, all of which has been cooked or otherwise prepared elsewhere, is sold for consumption on or at those premises; except premises in which accommodation is provided for travellers.】

This regulation was substituted for the original regulation 3 (as amended by regulation 2 of S.R. 1960/132) by regulation 2 (1) of S.R. 1966/72.

4. Unless a contrary intention appears expressions used herein have the meanings assigned to them by [the Health Act 1956].

The Health Act 1956, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Health Act 1920.

5. The regulations for the registration of eatinghouses by local authorities made under the Health Act 1920 on the 9th day of April 1923, and published in the *Gazette* on the 19th day of the same month at page 1057, are revoked.

6. All certificates of registration, appointments, notices, and requests, and generally all acts of authority and other documents and matters, acts, and things, and all periods of time, which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed so to have originated, and all matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the commencement of these regulations may be continued, completed, or enforced under these regulations.

PART II—REGISTRATION OF EATINGHOUSES

[7. Subject to regulation 13 of these regulations, no person shall use any premises open to the general public as an eatinghouse unless the premises are for the time being registered as an eatinghouse by the local authority and the person is the holder of a current certificate of registration in respect of those premises in accordance with the Health (Registration of Premises) Regulations 1966*.】

This regulation was substituted for the original regulation 7 by regulation 3 (1) of S.R. 1966/72. Regulation 3 (3) of S.R. 1966/72 provides as follows:

(3) Every certificate of registration in force under the principal regulations immediately before the date of the commencement of these regulations shall be deemed to have been issued under the Health (Registration of Premises) Regulations 1966 and the provisions of those regulations shall apply accordingly.

8-12. *Revoked by regulation 3 (2) of S.R. 1966/72.*

[13. Nothing in this Part of these regulations shall apply to—

- (a) Any eatinghouse in the occupation of the Crown; or
- (b) Any premises in respect of which a licence is in force under the Sale of Liquor Act 1962; or
- (c) Any premises operated by a Licensing Trust; or
- (d) Any eatinghouse that is situated at an airport that has been declared to be a sanitary aerodrome for the purposes of the Quarantine (Air) Regulations 1952*.]

This regulation was substituted for the original regulation 13 by regulation 4 (1) of S.R. 1966/72.

PART III—REQUIREMENTS OF EATINGHOUSES

14. Regulation 15 hereof shall apply to eatinghouses other than refreshment rooms and picarts; regulations 18, 22, and 23 shall apply to all eatinghouses other than picarts; regulation 17 shall apply to picarts only; and regulations 19 to 21 both inclusive and regulation 24 shall apply to eatinghouses of all descriptions.

15. (1) Every eatinghouse other than a refreshment room and a picart shall include as part thereof a room used solely as a kitchen, which room shall be not less than 8 ft in height and not less than 100 square feet in floor area kept clear of furniture, fittings, and stored goods.

(2) Every such kitchen shall have sufficient windows opening to the external air to provide adequate natural lighting and ventilation, and shall also be provided with suitable artificial lighting.

16. (1) In any eatinghouse other than a picart, every kitchen and every place in which food is prepared or in which utensils used in the preparation, serving, or consumption of food are cleaned—

- (a) Shall be provided with adequate means of lighting and ventilation:
- (b) Shall have sufficient floor space to enable every person working therein to carry out his duties efficiently and to permit easy access for cleansing, and such floor space shall in no case be less than 33 square feet clear of all furniture, fittings, and stored goods for each person at any time employed therein:
- (c) Shall be provided with floorings of non-absorbent material with a smooth surface, or of close jointed tongued and grooved boards:
- (d) Shall be provided with walls and ceiling of a light colour and having a smooth, non-absorbent, and readily cleansed surface which if of wood shall be painted and finished with a coat of enamel paint:
- (e) Shall be so constructed as to be ratproof:
- (f) Shall, if so required by an Inspector, be provided with suitable canopies and air ducts placed over the cooking appliances to carry off all fumes caused by cooking:
- (g) Shall not be in direct communication with any sleeping apartment or any urinal or privy.

*S.R. 1952/192

Amendment No. 1: S.R. 1962/112
Amendment No. 2: S.R. 1963/184
Amendment No. 3: S.R. 1966/11

(2) The premises upon which any such eatinghouse is conducted shall conform with any regulations governing the storage and preparation of food and with any bylaws of the local authority as to buildings, drainage, and sanitation.

(3) With respect to any such eatinghouse, sufficient and separate privy accommodation for each sex shall be available on the premises for the persons employed thereon. Such privy accommodation shall be convenient to and, if practicable, on the same floor or floors as the eatinghouse, and shall be adequately lit and ventilated.

17. (1) Every piecart shall comply with the following provisions:

- (a) The internal walls and ceiling shall be lined and finished with a material of even surface impervious to water and shall be painted in a light washable colour:
- (b) The floor shall be so constructed as to be easily cleaned:
- (c) The counter shall be covered with a material impervious to water and free from cracks and shall be so constructed as to be easily cleaned:
- (d) Adequate artificial lighting shall be provided:
- (e) Provision shall be made for the disposal of waste water in a sanitary manner.

(2) No piecart shall be registered as an eatinghouse unless the occupier thereof has available to be used in connection therewith suitable premises of a permanent character equipped and provided with—

- (a) Adequate facilities to clean the contrivances of the piecart and all the utensils used in the preparation, service, and consumption of food:
- (b) A refrigerator for the storage of readily perishable food:
- (c) A properly constructed and ratproof store room or containers for the storage of food:
- (d) Adequate hand-washing facilities, including an ample supply of hot and cold water, soap, and clean towels.

18. Every eatinghouse other than a piecart shall be equipped or provided with the following conveniences or articles for the storage and display of the following classes of foodstuffs, namely—

- (a) For cream, butter, cooked meats, and other readily perishable foods—a refrigerator:
- (b) For milk in bulk—a shaded compartment or cupboard:
- (c) For uncooked vegetables—a well ventilated, adequately lit, ratproof compartment with entrance from the external air or a well ventilated ratproof receptacle:
- (d) For uncooked meat—a well ventilated flyproof meat safe or a refrigerator:
- (e) For milk jugs and sugar basins on the tables or counters—suitable flyproof covers:
- (f) For foods set out for individual selection by customers—a fixed rail, glass shield, or other contrivance that will effectually prevent the customer's head, shoulders, or arms from achieving a position directly above the food displayed.

19. Every cupboard and all benches, shelves, and other places used or intended for the storage of food in an eatinghouse shall be so constructed as to be readily cleansed, and in the case of cupboards to protect any food stored therein from damp and contamination, from access by rats or other vermin and, as far as practicable, from dust, flies, and roaches.

20. Every eatinghouse shall be provided with an adequate supply of hot water, and shall be equipped with sufficient sinks and accessories or other plant and appliances to enable all utensils used in the preparation, service, and consumption of food to be cleansed efficiently.

21. Every eatinghouse shall be provided with a sufficient number of metal watertight receptacles for refuse; such receptacles shall be so designed as to be readily cleansed, and shall be equipped with lids fitted so as to protect the interior from rain and from access by flies and vermin.

[22. (1) In the kitchen in every eatinghouse other than a piecart, wash-hand basins, in the ratio of one to every 10 employees or part thereof, with hot and cold water laid on, together with soap, paper towels, clean towels, or other suitable hand drying devices, shall be provided.

(2) In every public bar, private bar, and if so directed by the Medical Officer of Health in any other place where liquor is sold by the glass, wash-hand basins, in the ratio of one to every 10 employees or part thereof, with hot and cold water laid on, together with soap, paper towels, clean towels, or other suitable hand drying devices, shall be provided:

Provided that it shall be sufficient compliance with this regulation if suitable alternative conveniently located hand-washing facilities are provided to the satisfaction of an Inspector.

(3) There shall be posted in each privy and toilet room a notice calling upon every member of the management and staff to wash his hands thoroughly before commencing work and again before handling food at any time after using the privy.]

This regulation was substituted for the original regulation 22 by regulation 4 of S.R. 1960/132.

23. In every eatinghouse other than a piecart a suitable cupboard or locker shall be provided for the deposit of the hats and other outdoor garments of the persons employed on the premises, and an adequate cloak room shall be provided for the use of females where more than three female persons are engaged on the premises, and a similar room shall be provided for males where more than four male persons are so engaged.

24. The occupier or manager of every eatinghouse shall cause to be prominently displayed, in such manner that it will be brought to the notice of all persons employed in the eatinghouse, a notice or such number of notices as an Inspector may require in which is written in clear, legible lettering a copy of regulations 33 and 34 of these regulations.

PART IV—CONDUCT OF EATINGHOUSES

25. No person shall increase the floor space of any dining room or decrease the floor space of any servery or kitchen in an eatinghouse without the precedent consent in writing of the local authority.

26. (1) Every eatinghouse shall be maintained in good repair, order, and condition, and shall be effectively cleansed every day upon which the same is open.

(2) Every such eatinghouse shall be maintained, as far as possible, free from rats and mice, and from roaches, flies, and other insects.

27. (1) Every cupboard, compartment, and safe, and all benches and shelves, equipment, and appliances, in an eatinghouse shall be maintained in clean condition.

(2) All refuse receptacles used in an eatinghouse shall be emptied and cleansed daily.

28. (1) Particular articles of food shall be stored or kept in the receptacles required to be provided by regulation 18 hereof, and no food other than uncooked vegetables shall be deposited in the vegetable compartment or receptacle referred to in paragraph (c) of that regulation.

(2) No milk shall be kept on the premises of an eatinghouse for a period in excess of six hours except where the same shall, during the whole period of storage, have been deposited in a refrigerator.

(3) Where food is set out for individual selection by customers, no such food shall be so placed as to require the customer in obtaining the same to extend his arm directly over any other such food.

(4) All food which shall remain in an eatinghouse at the end of the day shall be placed in satisfactory storage prior to closing the premises.

29. No occupier or manager of or person employed in an eatinghouse shall permit or suffer the same to be used as a receiving depot for parcels or clothing.

30. No person shall engage in sweeping the floor of any room of an eatinghouse otherwise than by means of a suction cleaner whilst food is in course of preparation, service, or consumption in that room.

31. (1) All utensils used in the service or consumption of food shall be effectively cleansed and rendered hygienic by one of the following methods:

- (a) They shall be scraped to remove gross particles of food, and washed in a suitable washing machine in water of a temperature of not less than 140° F. containing an adequate amount of soap or other detergent, followed by rinsing for not less than [ten seconds] in clean water at a temperature of not less than 170° F.; or

- (b) They shall be scraped to remove gross particles of food, and thoroughly washed in water at a temperature of not less than 110° F. containing an adequate amount of soap or other detergent, and thereafter, by means of a wire basket or other appliance in which the dishes are kept separate from each other—
- (i) They shall be immersed for half a minute in boiling water and drained; or
 - (ii) Immersed for two minutes in clean water at a temperature of not less than 170° F., the temperature being maintained by means of a gas ring, steam or hot water jacket, or by other effectual means, and drained; or
 - (iii) Immersed for two minutes in clean lukewarm water containing not less than 50 and not more than 100 parts per million of available chlorine, and thereafter dried with a clean towel:

Provided that in the case of a piecart, but not in any other case, it shall be sufficient if such utensils are scraped and washed in the manner already prescribed and thereafter dried with a clean towel.

- (2) After treatment by one of the methods set out in the preceding clause hereof, utensils shall be so handled and stored as not to become contaminated before again being used.
- (3) No utensil which is cracked, chipped, or so damaged as to render cleansing difficult shall be used in any eatinghouse.

In subclause (1) (a) the words in square brackets were substituted for the words "two minutes" by regulation 2 of S.R. 1954/126.

32. (1) In the wiping of utensils used in an eatinghouse no person shall use any tea towel or other cloth which is not clean or is otherwise unsuitable for the purpose.

(2) All tea towels, dish cloths, and dish mops used in or about an eatinghouse shall be immersed in boiling water for not less than five minutes at least once daily.

33. Every member of the management and staff of an eatinghouse shall thoroughly wash his hands before commencing work and before again handling food after at any time using the privy.

34. Every person preparing, handling, or serving food in an eatinghouse shall exercise care to avoid the contamination of any such food and to avoid all unnecessary human contact with food and utensils, and for such purpose shall observe the following directions:

- (a) Except only to the extent necessary to the occasion, he shall not serve food with his fingers, but for such purpose shall use a fork or other suitable implement:
- (b) He shall not wipe his hands upon his clothing or upon anything other than a clean towel:
- (c) He shall not place, carry or store any food in such a manner that the bottom side of any plate, dish, or container comes into contact with food in a lower plate, dish, or container:

- (d) He shall not handle any spoon, knife, fork, or drinking utensil in such a manner as would permit the transference of bacteria from his fingers to the mouth of any person using such utensils, and shall not carry any spoon, knife, or fork in the pocket of any garment or apron:
- (e) He shall not smoke in any kitchen or servery or whilst engaged in the preparing or serving of food.

35. (1) Every person who is engaged in an eatinghouse in the preparation or handling of any food shall at all times whilst so engaged be attired in clean washable light coloured outer garments and shall maintain his clothing and his body in a state of cleanliness.

(2) Every person who is engaged in an eatinghouse in the preparation or cooking of food shall at all times whilst so engaged wear a clean, washable, light coloured head covering.

36. No person who is suffering from any communicable disease or from any condition causing a discharge of pus or serum from any part of the head, neck, hands, or arms shall be employed in any capacity in an eatinghouse.

PART V—MISCELLANEOUS PROVISIONS

37. No person shall serve or cause or permit to be served any cooked or prepared food in any refreshment room unless such food has been cooked or prepared [in a kitchen on licensed premises or] on premises that are licensed by the local authority or other responsible authority for the purposes of cooking or preparing food.

The words in square brackets were substituted for the words "in the kitchen of a licensed hotel or" (as inserted by regulation 5 of S.R. 1960/132) by regulation 5 (1) of S.R. 1966/72.

[38. It shall be the duty of the committee of any club or association occupying or using any racecourse, showground, or any other premises in respect of which [[a booth licence]] is issued under [[the Sale of Liquor Act 1962]] to provide the facilities for the proper cleansing of all utensils used in the preparation, service, and consumption of food in every eatinghouse situated on any of the aforementioned premises, and it shall be the duty of the caterer or, if there is no caterer, of the said committee to ensure that the provisions of these regulations are complied with in respect of every such eatinghouse.]

This regulation was substituted for the original regulation 38 by regulation 6 of S.R. 1960/132.

The reference to a booth licence was substituted for a reference to a conditional licence by s. 301 (12) of the Sale of Liquor Act 1962.

The reference to the Sale of Liquor Act 1962 was substituted for a reference to the Licensing Act 1908 by s. 301 (13) of the Sale of Liquor Act 1962.

39. On the first occasion after the coming into force of these regulations on which a local authority issues a certificate of registration for an eatinghouse in respect of any particular premises, the local authority shall supply a copy of these regulations to the person to whom such certificate is issued.

40. (1) Every person shall be deemed to commit a breach of these regulations and shall be guilty of an offence who—

- (a) Does or commits or attempts to do or commit any act, matter, or thing contrary to any of the provisions hereof:
- (b) Fails or omits to do or to provide anything to be done or to be provided by him by these regulations:
- (c) Fails or omits to comply with any request or direction properly made or given hereunder.

(2) Every person guilty of an offence against these regulations for which no penalty is provided elsewhere than in this regulation shall be liable on summary conviction to a fine not exceeding £20, and if the offence is a continuing one and is committed in breach of a regulation authorised by the Food and Drugs Act 1947 to a further fine not exceeding £5 for every day or part of a day during which such offence continues.

T. J. SHERRARD,
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936, this
15th day of November 1966.*

J. R. HANAN, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 25 November 1948.
These regulations are administered in the Department of Health.